DOCKET NO. (X08)-FST-CV18-6038249-S	:	SUPERIOR COURT
	:	
REDEVELOPMENT AGENCY OF	:	J.D. OF STAMFORD/NORWALK
THE CITY OF NORWALK; and	:	
CITY OF NORWALK	:	AT STAMFORD
	:	
V.	:	
	:	
ILSR OWNERS LLC;	:	
WALL ST OPPORTUNITY FUND, LLC;	:	
KOMI VENTURES, LLC;	:	
MILLIGAN REAL ESTATE LLC;	:	
JASON MILLIGAN; and	:	
CC RIVINGTON LLC	:	MARCH 14, 2019

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION

Pursuant to Connecticut Practice Book § 10-31, Plaintiffs, the Redevelopment Agency of the City of Norwalk (the "Agency") and the City of Norwalk (the "City") (collectively, "Plaintiffs"), submit this opposition to the motion to dismiss filed by defendants, Jason Milligan, Milligan Real Estate, LLC, Komi Ventures, LLC, and Wall St Opportunity Fund, LLC (collectively the "Milligan Defendants) on March 13, 2019 (Docket No. 199.00.)

I. INTRODUCTION

The Milligan Defendants move to dismiss all of the claims against them because they contend that the Redevelopment Plan, upon which the underlying Land Disposition and Development Agreement ("LDA") is conditioned, has expired and therefore, the relief sought by Plaintiffs is moot. (Motion to Dismiss at 1.) The Milligan Defendants are simply wrong. By its terms, the Redevelopment Plan is in effect for a period 20 years. The Redevelopment Plan was finally approved in July 2004 in accordance with Conn. Gen. Stat. to § 8-127. Therefore, the Redevelopment Plan is in effect until July 2024 and has not expired.

Moreover, the Connecticut legislature amended Conn. Gen. Stat. § 8-127 effective October 1, 2007 to provide that redevelopment plans expire after 10 years. The version of Conn. Gen. Stat. § 8-127 that was in effect when the Redevelopment Plan was approved in 2004 does not contain a time limitation with respect to the lifespan of a redevelopment plan. Therefore, the version of Conn. Gen. Stat. § 8-127 on which the Milligan Defendants rely in support of their motion is not the operative version of statute that applies to the Redevelopment Plan.

Finally, the Milligan Defendants assert that the LDA is unenforceable because it references the Redevelopment Plan in the nonbinding "Whereas" provisions of the agreement and is therefore somehow dependent on the Redevelopment Plan in order to be enforced. Setting aside the fact that the Milligan Defendants are not parties to the LDA, and therefore the claims against them -- including the tort claims for unjust enrichment, tortious interference, violation of CUTPA, and the claim for declaratory relief -- do not depend on whether the LDA is binding against them, there is no provision in the LDA that states that the LDA is unenforceable if the underlying Redevelopment Plan expires. Accordingly, for the reasons set forth in more detail below, the Court should deny the Milligan Defendants' motion to dismiss.

II. ARGUMENT

A. Legal Standard

"A motion to dismiss … properly attacks the jurisdiction of the court, essentially asserting that the plaintiff cannot as a matter of law and fact state a cause of action that should be heard by the court." *Bacon Const. Co. v. Dep't of Pub. Works*, 294 Conn. 695, 706, 987 A.2d 348, 354 (2010). "Pursuant to the rules of practice, a motion to dismiss is the appropriate motion for raising a lack of subject matter jurisdiction." *St. George v. Gordon,*

264 Conn. 538, 545, 825 A.2d 90, 96 (2003). "[T]he plaintiff bears the burden of proving subject matter jurisdiction, whenever and however raised." *Fort Trumbull Conservancy, LLC v. City of New London*, 265 Conn. 423, 430, 829 A.2d 801, 806 (2003). Nevertheless, "[i]t is well established that, in determining whether a court has subject matter jurisdiction, **every presumption favoring jurisdiction should be indulged**." *Wilcox v. Webster Ins., Inc.*, 294 Conn. 206, 214, 982 A.2d 1053, 1060 (2009) (emphasis added).

B. The Redevelopment Plan Has Not Expired And Remains In Effect Until 2024.

The entire basis of the Milligan Defendants' motion to dismiss is that the Court lacks subject matter jurisdiction over all of the claims against them because the Redevelopment Plan has purportedly expired. *See* Motion at 1, memorandum of law in support (Memo of Law) at 11.) Accordingly, if the Redevelopment Plan has not expired, there is no basis for the Court to grant the Motion.

On May 19, 2004, the Housing Authority of the City of Norwalk reviewed the Redevelopment Plan and approved it in accordance with Connecticut General Stat. § 8-127.[1] Amended Complaint ("AC") at¶ 12. On June 2, 2004, the Norwalk Planning Commission reviewed the Redevelopment Plan and found it to be in accordance with the Norwalk Plan of Conservation and Development. *Id*. at ¶ 13. The Agency held three public hearings on the Redevelopment Plan on February 18, 2004, March 15, 2004, and March 29, 2004, and on June 24, 2004, the Agency approved the Redevelopment Plan. *Id.* at ¶¶ 14-15. The Planning Committee of the Common Council conducted a public hearing on the Redevelopment Plan on

[1] A copy of the Redevelopment Plan has been introduced into evidence during the temporary injunction hearing as a full exhibit as Exhibit 1.

July 1, 2004, and the Common Council approved the plan on July 13, 2004. *Id.* at ¶ 16. The Redevelopment Plan was recorded on July 14, 2004 in Volume 5490 at Page 170 of the Norwalk Land Records. *Id.* at 17.

Page four of the Redevelopment Plan provides as follows:

> Therefore, this Wall Street Redevelopment Plan hereinafter referred to as the "Plan", will serve as the formal implementation document for future Wall Street initiatives. The vision, goals, objectives and strategies of the plan are outlined in the following section, followed by other sections addressing the statutory mandates. **Unless extended by the Common Council, this Plan shall expire 20 years after approval.**

Exhibit 1 at p.4 (emphasis added). Because the Redevelopment Plan was finally approved on July 13, 2004, by its terms the Plan remains in effect until July 13, 2024. Thus, the Redevelopment Plan has not expired, it remains in full force and effect, and there is no basis for the Court to grant the motion to dismiss. The Court should therefore deny the Motion.

C. The Version Of Conn. Gen. Stat. § 8-127 On Which The Milligan Defendants Rely Was Not In Effect When The Redevelopment Plan Was Approved.

Notwithstanding that, by its terms, the Redevelopment Plan remains in effect until July 13, 2024, the version of Conn. Gen. Stat. § 8-127 on which the Milligan Defendants rely for their contention that the Redevelopment Plan was only in effect for a ten year period was not the operative version of the statute in place when the Common Council of Norwalk finally approved the Redevelopment Plan in July 2004. The Connecticut General Assembly amended Conn. Gen. Stat. § 8-127 effective October 1, 2007 to include a 10-year period for redevelopment plans. In § 6 of Public Act 07-141, which was the act amending the statute, the Connecticut legislature expressly stated that the amendment to § 8-127 was "Effective October 1, 2007, and **applicable to redevelopment plans adopted on or after said date**." *See* Public

Act 07-141 at p.21, a copy of which is attached as Exhibit A (emphasis added). Because the Redevelopment Plan was approved in July 2004, the version of Conn. Gen. Stat. § 8-127 that actually applies to the Plan is the version of the statute that was in effect until September 30, 2007. *See D'Eramo v. Smith*, 273 Conn. 610, 619–21, 872 A.2d 408, 415–16 (2005) (noting that it is a rule of statutory construction that legislation is to be applied prospectively unless the legislature clearly expresses an intention to the contrary).

The applicable version of Conn. Gen. Stat. § 8-127 does not contain any time limitation on redevelopment plans enacted in accordance with the statute. *See* Conn. Gen. Stat. § 8-127 in effect until September 30, 2007, a copy of which is attached as Exhibit B. The Milligan Defendants cited the wrong version of Conn. Gen. Stat. § 8-127 in support of their contention that the Redevelopment Plan expired because it was statutorily limited to a 10-year period. Because of this, there is no basis for their motion to dismiss and the Court should deny the Motion in its entirety.

D. Even If The Redevelopment Plan Had Expired, Which It Did Not, The LDA Remains In Effect And Is Enforceable.

Even if the Redevelopment Plan had expired, there is no basis to conclude that the LDA would somehow not be enforceable. The Milligan Defendants cite to the nonbinding "Whereas" clauses in the LDA in support of their assertion that the LDA "cannot exist without the underlying Redevelopment Plan." Memo of Law at ¶ 5. Nowhere in the LDA is there a provision that states that the Redevelopment Plan must remain in effect in order for the LDA to be enforceable. In fact, Article XIV of the LDA clearly provides that its duration is through July 2024 (coinciding with the 20-year life of the Redevelopment Plan). *See* Exhibit 10 at p. 77. Article XIV states as follows:

> The covenant pertaining to the uses of the Project Property, set forth in Section 401 of Part II hereof, shall remain in effect from the Execution Date until July 13, 2024, unless extended by the Common Council. This covenant shall be a covenant running with the land and shall be binding on the Redeveloper, and their successors and assigns. This covenant shall be included in any deed, lease, or other instrument, transferring any interests in the Project Property.

Id. In addition, section 23.1 of the LDA provides that if the plan was not validly adopted, the City and the Agency would simply re-adopt and re-approve it. *See id.* at p.93. This provision *c*learly demonstrates the intent of the parties that any defect in the effectiveness of the Redevelopment Plan would be corrected and would not render the LDA ineffective.

The LDA is a standalone document, enforceable on its own terms. Although the LDA references the Redevelopment Plan, the Redeveloper's obligations under the LDA arise from the terms of the LDA itself and do not depend on the existence of the Redevelopment Plan. There is simply no basis for the Milligan Defendants' assertion that the LDA would not be enforceable if the Redevelopment Plan had expired.

E. The Claims Against The Milligan Defendants Do Not Depend On The Enforceability Of The LDA.

Finally, the Milligan Defendants assert that all of the claims against them are predicated on the LDA, and since the LDA is allegedly unenforceable, the claims against the Milligan Defendants somehow fail. Plaintiffs have asserted claims for unjust enrichment, tortious interference, violation of CUTPA, and for declaratory relief against the Milligan Defendants. (*See* Counts 3-6 of the Amended Complaint). The Milligan Defendants are not parties to the LDA and Plaintiffs have not asserted a breach of contract claim against them. The claims against the Milligan Defendants do not depend on a whether the LDA is enforceable against them. The claims are based on the fact that ILSR improperly transferred to the Properties to Wall St and the other Milligan Defendants subsequently encumbered the Properties with

mortgages and leases and engaged in unpermitted demolition activities. The Milligan Defendants also engaged in a fraudulent deed-in-lieu of mortgage scheme in an attempt to obtain clean title to the Properties that would not be subject to the LDA.

The Milligan Defendants acted tortiously in interfering with Plaintiffs' contractual relations with ILSR, and their liability for the tort claims asserted against them does not depend on whether Plaintiffs can enforce the LDA against them. Therefore, even if the Redevelopment Plan had expired, and the LDA was unenforceable as a result, the claims against the Milligan Defendants are not moot and Plaintiffs have standing to pursue the tort claims, CUTPA claim, and claim for declaratory relief as a matter of law.

III. CONCLUSION

For all of the above reasons, the Plaintiffs, the Redevelopment Agency of the City of Norwalk and the City of Norwalk, respectfully request the Court to deny the motion to dismiss filed by defendant, ILSR Owners, LLC.

Respectfully submitted,

THE PLAINTIFFS,

REDEVELOPMENT AGENCY OF THE CITY OF NORWALK

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that on March 14, 2019, a copy of the foregoing was filed electronically through the Court's Electronic Filing System and served by electronic means via email transmission on the following counsel of record:

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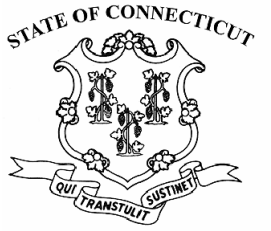
Commissioner of the Superior Court

EXHIBIT A



Substitute Senate Bill No. 167

Public Act No. 07-141

AN ACT REVISING THE PROCESS FOR THE TAKING OF REAL PROPERTY BY MUNICIPALITIES FOR REDEVELOPMENT AND ECONOMIC DEVELOPMENT AND REVISING THE PROCESS FOR PROVIDING RELOCATION ASSISTANCE FOR OUTDOOR ADVERTISING STRUCTURES ACQUIRED BY THE COMMISSIONER OF TRANSPORTATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-193 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to property acquired on or after said date*):

(a) After approval of the development plan as provided in this chapter, the development agency may proceed by purchase, lease, exchange or gift with the acquisition or rental of real property within the project area and real property and interests therein for rights-of-way and other easements to and from the project area.

(b) (1) The development agency may, with the approval of the legislative body in accordance with this subsection, and in the name of the municipality, acquire by eminent domain real property located within the project area and real property and interests therein for rights-of-way and other easements to and from the project area, in the same manner that a redevelopment agency may acquire real property

under sections 8-128 to 8-133, inclusive, as amended by this act, as if said sections specifically applied to development agencies, except that no real property may be acquired by eminent domain pursuant to this subsection for the primary purpose of increasing local tax revenue.

(2) The development agency shall conduct a public hearing on any proposed acquisition of real property by eminent domain. The development agency shall cause notice of the time, place and subject of the hearing to be published in a newspaper having a substantial circulation in the municipality not more than ten days before the date set for the hearing. Not less than ten days before the date of the hearing, the development agency shall send, by first class mail, notice of the time, place and subject of the hearing to the owners of record of the real property and to all owners of real property within one hundred feet of the real property to be acquired by eminent domain.

(3) (A) No parcel of real property may be acquired by eminent domain under this section except by approval by vote of at least two-thirds of the members of the legislative body of the municipality or, in the case of a municipality for which the legislative body is a town meeting or a representative town meeting, the board of selectmen. Such approval shall be by (i) separate vote on each parcel of real property to be acquired, or (ii) a vote on one or more groups of such parcels, provided each parcel to be acquired is identified for the purposes of a vote on a group of such parcels under this subparagraph. The legislative body or the board of selectmen, as the case may be, shall not approve the use of eminent domain by the development agency unless the legislative body or board of selectmen has (I) considered the benefits to the public and any private entity that will result from the development project and determined that the public benefits outweigh any private benefits, (II) determined that the current use of the real property cannot be feasibly integrated into the overall development plan, and (III) determined that the acquisition of

the real property by eminent domain is reasonably necessary to successfully achieve the objectives of the development plan.

(B) The municipality shall cause notice of any approved acquisition by eminent domain under this subdivision to be published in a newspaper having a substantial circulation in the municipality not more than ten days after such approval.

(C) (i) The development agency shall acquire any property identified in the plan as property to be acquired by eminent domain by a date that is five years after the date the first property is acquired by eminent domain under the plan unless the development agency approves an extension of the time for acquisition, except that no property may be acquired by eminent domain under the plan more than ten years after the first property is acquired by eminent domain under the plan.

(ii) With respect to a development plan for a project that is funded in whole or in part by federal funds, the provisions of this subparagraph shall not apply to the extent that such provisions are prohibited by federal law.

(4) The owner-occupant of property acquired by eminent domain under this section may file an application in the superior court for the judicial district in which the municipality is located to enjoin the acquisition of such property. The court may issue such injunction if the court finds that the development agency or municipality failed to comply with the requirements of this chapter. The filing of an application to enjoin the acquisition of property by eminent domain, in a court of competent jurisdiction, shall toll the five-year period or ten-year period set forth in subparagraph (C) of subdivision (3) of this subsection with respect to such property until the date a final judgment is entered in any such action, or any appeal thereof, whichever date is later.

(c) (1) With respect to real property acquired by eminent domain pursuant to this section on or after the effective date of this section, if the municipality does not use the real property for the purpose for which it was acquired or for some other public use and seeks to sell the property, the municipality shall first offer the real property for sale pursuant to subdivision (2) of this subsection to the person from whom the real property was acquired, or heirs of the person designated pursuant to subdivision (2) of this subsection, if any, for a price not to exceed the lesser of (A) the amount paid by the development agency to acquire the property, or (B) the fair market value of the property at the time of any sale under this subsection. After the municipality provides notice pursuant to subdivision (2) of this subsection, the municipality may not sell such property to a third party unless the municipality has permitted the person or named heirs six months during which to exercise the right to purchase the property, and an additional six months to finalize the purchase if the person or named heirs provide the municipality with notice of intent to purchase the property within the initial six-month period.

(2) For the purposes of any offer of sale pursuant to this subsection, the municipality shall provide a form to any person whose property is acquired by eminent domain pursuant to this section to permit such person to provide an address for notice of sale to be sent, or to provide the name and address of an agent to receive such notice. Such form shall be designed to permit the person to designate heirs of the person who shall be eligible to purchase such property pursuant to this subsection. The person or agent shall update information in the form in writing. If the person or agent does not provide or update the information in the form in a manner that permits the municipality to send notice of sale pursuant to this subsection, no such notice shall be required.

(3) With respect to a development plan for a project that is funded in

whole or in part by federal funds, the provisions of this subsection shall not apply to the extent that such provisions are prohibited by federal law.

(d) The development agency may, with the approval of the legislative body and, of the commissioner if any grants were made by the state under section 8-190 or 8-195 for such development project, and in the name of such municipality, transfer by sale or lease at fair market value or fair rental value, as the case may be, the whole or any part of the real property in the project area to any person, in accordance with the project plan and such disposition plans as may have been determined by the commissioner.

[(b)**]** (e) A development agency shall have all the powers necessary or convenient to undertake and carry out development plans and development projects, including the power to clear, demolish, repair, rehabilitate, operate, or insure real property while it is in its possession, to make site improvements essential to the preparation of land for its use in accordance with the development plan, to install, construct or reconstruct streets, utilities and other improvements necessary for carrying out the objectives of the development project, and, in distressed municipalities, as defined in section 32-9p, to lend funds to businesses and industries in a manner approved by the commissioner.

Sec. 2. (NEW) (*Effective from passage and applicable to property acquired on or after said date*) (a) (1) No real property may be acquired by a redevelopment agency by eminent domain pursuant to section 8-128 of the general statutes, as amended by this act, under a redevelopment plan under chapter 130 of the general statutes, for the primary purpose of increasing local tax revenue.

(2) The redevelopment agency shall conduct a public hearing on any proposed acquisition of real property by eminent domain. The

redevelopment agency shall cause notice of the time, place and subject of the hearing to be published in a newspaper having a substantial circulation in the municipality not more than ten days before the date set for the hearing. Not less than ten days before the date of the hearing, the redevelopment agency shall send, by first class mail, notice of the time, place and subject of the hearing to the owners of record of the real property and to all owners of real property within one hundred feet of the real property to be acquired by eminent domain.

(3) (A) No parcel of real property may be acquired by eminent domain under this section except by approval by vote of a majority of the members of the redevelopment agency. Such approval shall be by (i) separate vote on each parcel of real property to be acquired, or (ii) a vote on one or more groups of such parcels, provided each parcel to be acquired is identified for the purposes of a vote on a group of such parcels under this subparagraph. The redevelopment agency shall not approve the use of eminent domain unless the redevelopment agency has (I) considered the benefits to the public and any private entity that will result from the redevelopment project and determined that the public benefits outweigh any private benefits, (II) determined that the current use of the real property cannot be feasibly integrated into the overall redevelopment plan, and (III) determined that the acquisition of the real property by eminent domain is reasonably necessary to successfully achieve the objectives of the redevelopment plan.

(B) The redevelopment agency shall cause notice of any approved acquisition by eminent domain under this subdivision to be published in a newspaper having a substantial circulation in the municipality not more than ten days after such approval.

(C) (i) The redevelopment agency shall acquire any property identified in the plan as property to be acquired by eminent domain by a date that is five years after the date the first property is acquired by

eminent domain under the plan unless the redevelopment agency approves an extension of the time for acquisition, except that no property may be acquired by eminent domain under the plan more than ten years after the first property is acquired by eminent domain under the plan.

(ii) With respect to a redevelopment plan for a project that is funded in whole or in part by federal funds, the provisions of this subparagraph shall not apply to the extent that such provisions are prohibited by federal law.

(4) The owner-occupant of property acquired by eminent domain under this section may file an application in the superior court for the judicial district in which the municipality is located to enjoin the acquisition of such property. The court may issue such injunction if the court finds that the redevelopment agency failed to comply with the requirements of this chapter. The filing of an application to enjoin the acquisition of property by eminent domain, in a court of competent jurisdiction, shall toll the five-year period or ten-year period set forth in subparagraph (C) of subdivision (3) of this subsection with respect to such property until the date a final judgment is entered in any such action, or any appeal thereof, whichever date is later.

(b) (1) With respect to real property acquired by eminent domain pursuant to this section on or after the effective date of this section, if the municipality does not use the real property for the purpose for which it was acquired or for some other public use and seeks to sell the property, the municipality shall first offer the real property for sale pursuant to subdivision (2) of this subsection to the person from whom the real property was acquired, or heirs of the person designated pursuant to subdivision (2) of this subsection, if any, for a price not to exceed the lesser of (A) the amount paid by the redevelopment agency to acquire the property, or (B) the fair market value of the property at the time of any sale under this subsection. After the municipality

provides notice pursuant to subdivision (2) of this subsection, the municipality may not sell such property to a third party unless the municipality has permitted the person or named heirs six months during which to exercise the right to purchase the property, and an additional six months to finalize the purchase if the person or named heirs provide the municipality with notice of intent to purchase the property within the initial six-month period.

(2) For the purposes of any offer of sale pursuant to this subsection, the municipality shall provide a form to any person whose property is acquired by eminent domain pursuant to this section to permit such person to provide an address for notice of sale to be sent, or to provide the name and address of an agent to receive such notice. Such form shall be designed to permit the person to designate heirs of the person who shall be eligible to purchase such property pursuant to this subsection. The person or agent shall update information in the form in writing. If the person or agent does not provide or update the information in the form in a manner that permits the municipality to send notice of sale pursuant to this subsection, no such notice shall be required.

(3) With respect to a redevelopment plan for a project that is funded in whole or in part by federal funds, the provisions of this subsection shall not apply to the extent that such provisions are prohibited by federal law.

Sec. 3. Section 32-224 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to property acquired on or after said date, and applicable to development plans adopted on or after said date*):

(a) Any municipality which has a planning commission may, by vote of its legislative body, designate an implementing agency to exercise the powers granted under sections 32-220 to 32-234, inclusive.

Any municipality may, with the approval of the commissioner, designate a separate implementing agency for each municipal development project undertaken by such municipality pursuant to said sections.

(b) The implementing agency may initiate a municipal development project by preparing and submitting a development plan to the commissioner. Such plan shall meet an identified public need and include: (1) A legal description of the real property within the boundaries of the project area; (2) a description of the present condition and uses of such real property; (3) a description of the process utilized by the agency to prepare the plan and a description of alternative approaches considered to achieve project objectives; (4) a description of the types and locations of land uses or building uses proposed for the project area; **[**(4)**]** (5) a description of the types and locations of present and proposed streets, sidewalks and sanitary, utility and other facilities and the types and locations of other proposed project improvements; **[**(5)**]** (6) statements of the present and proposed zoning classification and subdivision status of the project area and the areas adjacent to the project area; **[**(6)**]** (7) a plan for relocating project area occupants; **[**(7)**]** (8) a financing plan; **[**(8)**]** (9) an administrative plan; **[**(9)**]** (10) an environmental analysis, marketability and proposed land use study, or building use study if required by the commissioner; **[**(10)**]** (11) appraisal reports and title searches if required by the commissioner; **[**(11)**]** (12) a description of the **[**economic**]** public benefit of the project, including, but not limited to, (A) the number of jobs which the implementing agency anticipates would be created or retained by the project, (B) the estimated property tax benefits, **[**and**]** (C) the number and types of existing housing units in the municipality in which the project would be located, and in contiguous municipalities, which would be available to employees filling such jobs, **[**and (12)**]** (D) a general description of infrastructure improvements, including public access, facilities or use, that the

implementing agency anticipates may be needed to implement the development plan, (E) a general description of the implementing agency's goals for blight remediation or, if known, environmental remediation, (F) a general description of any aesthetic improvements that the implementing agency anticipates may be generated by the project, (G) a general description of the project's intended role in increasing or sustaining market value of land in the municipality, (H) a general description of the project's intended role in assisting residents of the municipality to improve their standard of living, and (I) a general statement of the project's role in maintaining or enhancing the competitiveness of the municipality; (13) a finding that (A) the land and buildings within the boundaries of the project area will be used principally for manufacturing or other economic base business purposes or business support services; (B) the plan is in accordance with the plan of conservation and development for the municipality, if any, adopted by its planning commission under section 8-23, and the plan of development of the regional planning agency adopted under section 8-35a, if any, for the region within which the municipality is located; (C) the plan **[**is not inimical to any**]** was prepared giving due consideration to the state plan of conservation and development adopted under chapter 297 and other state-wide planning program objectives of the state or state agencies as coordinated by the Secretary of the Office of Policy and Management; and (D) the project will contribute to the economic welfare of the municipality and the state and that to carry out and administer the project, public action under sections 32-220 to 32-234, inclusive, is required; and (14) a preliminary statement describing the proposed process for acquiring each parcel of real property, including findings that (A) public benefits resulting from the plan will outweigh any private benefits; (B) existing use of the real property cannot be feasibly integrated into the overall plan for the project; (C) acquisition by eminent domain is reasonably necessary to successfully achieve the objectives of such plan; and (D) the plan is not for the primary purpose of increasing local tax revenues. The

provisions of this subsection with respect to submission of a development plan to and approval by the commissioner and with respect to a finding that the plan **[**is not inimical to any**]** was prepared giving due consideration to the state plan of conservation and development and state-wide planning program objectives of the state or its agencies shall not apply to a project for which no financial assistance has been given and no application for financial assistance is to be made under section 32-223. Any plan **[**which**]** that has been prepared under chapters 130, 132 or 588a may be submitted by the implementing agency to the legislative body of the municipality and to the commissioner in lieu of a plan initiated and prepared in accordance with this section, provided all other requirements of sections 32-220 to 32-234, inclusive, for obtaining the approval of the commissioner of the development plan are satisfied. Any action taken in connection with the preparation and adoption of such plan shall be deemed effective to the extent such action satisfies the requirements of said sections.

(c) (1) No plan shall be adopted unless the planning commission of the municipality finds that the plan is in accord with the plan of development, if any, for the municipality and the regional planning agency, if any, organized under chapter 127 for the region within which such municipality is located finds that such plan is in accord with the plan of development, if any, for such region. If the regional planning agency fails to make a finding concerning the plan within thirty-five days of receipt thereof, by such agency, it shall be presumed that such agency does not disapprove of the plan. The implementing agency shall hold at least one public hearing on the plan and shall cause notice of the time, place, and subject of any public hearing to be published at least once in a newspaper of general circulation in the municipality not less than one week nor more than three weeks prior to the date of such public hearing. At least thirty-five days prior to the public hearing, the implementing agency shall post the plan on the Internet web site of the implementing agency, if any. Upon adoption of

the plan the implementing agency shall submit the plan to the legislative body of the municipality for approval or disapproval. Any approval by the implementing agency and legislative body of the municipality made under this section shall specifically provide for approval of any findings contained therein. After approval of the plan by the legislative body of the municipality, **[**such**]** the plan shall be submitted to the commissioner for his approval. If the commissioner requires a substantial modification of the plan as a condition of approval, the plan shall be subject to a public hearing and approval by the implementing agency and the legislative body of the municipality in accordance with the provisions of this subsection.

(2) The plan shall be effective for a period of ten years after the date of approval and may be amended in accordance with this section. The legislative body shall review the plan at least once every ten years after the initial approval, and shall reapprove the plan or an amended plan at least once every ten years after the initial approval in accordance with this section in order for the plan or amended plan to remain in effect. With respect to a development plan for a project that is funded in whole or in part by federal funds, the provisions of this subdivision shall not apply to the extent that such provisions are prohibited by federal law.

(d) The implementing agency shall cause notice of the initial approval of the plan to be published in a newspaper having general circulation in the municipality.

[(d)**]** (e) A development plan may be modified at any time by the implementing agency, provided, if modified after the lease or sale of real property in the project area, the lessees or purchasers of such real property or their successor or successors in interest affected by the proposed modification shall consent to such modification. If the proposed modification will substantially alter the development plan as previously approved, the modification shall be subject to the approval

of the local legislative body of the municipality and the commissioner in the same manner as approval of the development plan. The municipality may, by vote of its legislative body, abandon the development plan and convey such real property within the boundaries of the project area free of any restriction, obligation or procedure imposed by the plan subject to all other local and state laws, ordinances or regulations, including, but not limited to, any offer of sale required under subsection (i) of this section, if after three years from the date of approval of the plan the implementing agency has not transferred by sale or lease all or any part of the real property acquired in the project area to any person in accordance with the development plan and no grant of financial assistance under sections 32-220 to 32-234, inclusive, has been given for such project other than for activities related to the planning of the project pursuant to section 32-222.

[(e)**]** (f) The implementing agencies of two or more municipalities may, after approval by each legislative body thereof, jointly initiate a development project if the project area is to be located in one or more of such municipalities. Such implementing agencies, after approval by the commissioner of the development plan for the project if any state aid is to be requested under section 32-223, may enter into and amend subject to the approval of the commissioner, an agreement to jointly carry out the development plan. Such agreement may include provisions for furnishing municipal services to the project and sharing costs of and revenues from the project, including property tax and rental receipts. The development plan shall include a proposed form of the agreement to be entered into by the municipalities. Each municipality which is a party to an agreement may make appropriations and levy taxes in accordance with the provisions of the general statutes and may issue bonds in accordance with section 32-227 to further its obligations under the agreement.

[(f)**]** (g) As used in this subsection, "public service facility" includes

any sewer, pipe, main conduit, cable, wire, pole, tower, building or utility appliance owned or operated by an electric, gas, telephone, telegraph or water company. Whenever an implementing agency determines that the closing of any street or public right-of-way is provided for in a development plan adopted and approved in accordance with sections 32-220 to 32-234, inclusive, or where the carrying out of such a development plan, including the construction of new improvements, requires the temporary or permanent readjustment, relocation or removal of a public service facility from a street or public right-of-way, the implementing agency shall issue an appropriate order to the company owning or operating such facility. Such company shall permanently or temporarily readjust, relocate or remove the public service facility promptly in accordance with such order, provided an equitable share of the cost of such readjustment, relocation or removal, including the cost of installing and constructing a facility of equal capacity in a new location, shall be borne by the implementing agency. Such equitable share shall be fifty per cent of such cost after the deduction hereinafter provided. In establishing the equitable share of the cost to be borne by the implementing agency, there shall be deducted from the cost of the readjusted, relocated or removed facilities a sum based on a consideration of the value of materials salvaged from existing installations, the cost of the original installation, the life expectancy of the original facility and the unexpired term of such life use. The books and records of the company shall be made available for inspection by the implementing agency to determine the equitable share of the cost of such readjustment, relocation or removal. When any facility is removed from a street or public right-of-way to a private right-of-way, the implementing agency shall not pay for such private right-of-way. If the implementing agency and the company owning or operating such facility cannot agree upon the share of the cost to be borne by the implementing agency, such agency or the company may apply to the superior court for the judicial district within which the street or public right-of-way is situated, or, if

the court is not in session, to any judge thereof, for a determination of the cost to be borne by the implementing agency. The court or the judge, after causing notice of the pendency of such application to be given to the other party, shall appoint a state referee to make such determination. The referee, having given at least ten days' notice to the interested parties of the time and place of the hearing, shall hear both parties, take such testimony as he may deem material and thereupon determine the amount of the cost to be borne by the implementing agency. The referee shall immediately report the amount to the court. If the report is accepted by the court, such determination shall, subject to right of appeal as in civil actions, be conclusive upon such parties.

[(g)**]** (h) After approval of the development plan pursuant to sections 32-220 to 32-234, inclusive, the implementing agency may by purchase, lease, exchange or gift acquire or rent real property necessary or appropriate for the project as identified in the development plan and real property and interests therein for rights-of-way and other easements to and from the project area.

(i) (1) The implementing agency may, with the approval of the legislative body of the municipality, and in the name of the municipality, condemn in accordance with section 8-128 to 8-133, inclusive, as amended by this act, any real property necessary or appropriate for the project as identified in the development plan, including real property and interests in land for rights-of-way and other easements to and from the project area, except that no real property may be condemned pursuant to this subsection for the primary purpose of increasing local tax revenue.

(2) The implementing agency shall conduct a public hearing on any proposed acquisition of real property by condemnation pursuant to this subsection. The implementing agency shall cause notice of the time, place and subject of the hearing to be published in a newspaper having a substantial circulation in the municipality not more than ten

days before the date set for the hearing. Not less than ten days before the date of the hearing, the implementing agency shall send, by first class mail, notice of the time, place and subject of the hearing to the owners of record of the real property and to all owners of real property within one hundred feet of the real property to be acquired by condemnation.

(3) (A) No parcel of real property may be acquired by condemnation under this section except by approval by vote of at least two-thirds of the members of the legislative body of the municipality, or, in the case of a municipality for which the legislative body is a town meeting or a representative town meeting, the board of selectmen. Such approval shall be by (i) separate vote on each parcel of real property to be acquired, or (ii) a vote on one or more groups of such parcels, provided each parcel to be acquired is identified for the purposes of a vote on a group of such parcels under this subparagraph. The legislative body or the board of selectmen, as the case may be, shall not approve the use of condemnation by the implementing agency unless the legislative body or board of selectmen has (I) considered the benefits to the public and any private entity that will result from the municipal development project and determined that the public benefits outweigh any private benefits, (II) determined that the current use of the real property cannot be feasibly integrated into the overall development plan, and (III) determined that the acquisition of the real property by condemnation is reasonably necessary to successfully achieve the objectives of the development plan.

(B) The municipality shall cause notice of any approved acquisition by condemnation under this subdivision to be published in a newspaper having a substantial circulation in the municipality not more than ten days after such approval.

(C) (i) The implementing agency shall acquire any property identified in the plan as property to be acquired by condemnation by a

date that is five years after the date the first property is acquired by condemnation under the plan unless the implementing agency approves an extension of the time for acquisition, except that no property may be acquired by condemnation under the plan more than ten years after the first property is acquired by condemnation under the plan.

(ii) With respect to a development plan for a project that is funded in whole or in part by federal funds, the provisions of this subparagraph shall not apply to the extent that such provisions are prohibited by federal law.

(4) The owner-occupant of property acquired by condemnation under this section may file an application in the superior court for the judicial district in which the municipality is located to enjoin the acquisition of such property. The court may issue such injunction if the court finds that the implementing agency or municipality failed to comply with the requirements of this section. The filing of an application to enjoin the acquisition of property by condemnation, in a court of competent jurisdiction, shall toll the five-year period or ten-year period set forth in subparagraph (C) of subdivision (3) of this subsection with respect to such property until the date a final judgment is entered in any such action, or any appeal thereof, whichever date is later.

(j) (1) With respect to real property acquired by condemnation pursuant to this section on or after the effective date of this section, if the municipality does not use the real property for the purpose for which it was acquired or for some other public use and seeks to sell the property, the municipality shall first offer the real property for sale pursuant to subdivision (2) of this subsection to the person from whom the real property was acquired, or heirs of the person designated pursuant to subdivision (2) of this subsection, if any, for a price not to exceed the lesser of (A) the amount paid by the implementing agency

to acquire the property, or (B) the fair market value of the property at the time of any sale under this subsection. After the municipality provides notice pursuant to subdivision (2) of this subsection, the municipality may not sell such property to a third party unless the municipality has permitted the person or named heirs six months during which to exercise the right to purchase the property, and an additional six months to finalize the purchase if the person or named heirs provide the municipality with notice of intent to purchase the property within the initial six-month period.

(2) For the purposes of any offer of sale pursuant to this subsection, the municipality shall provide a form to any person whose property is acquired by condemnation pursuant to this section to permit such person to provide an address for notice of sale to be sent, or to provide the name and address of an agent to receive such notice. Such form shall be designed to permit the person to designate heirs of the person who shall be eligible to purchase such property pursuant to this subsection. The person or agent shall update information in the form in writing. If the person or agent does not provide or update the information in the form in a manner that permits the municipality to send notice of sale pursuant to this subsection, no such notice shall be required.

(3) With respect to a development plan for a project that is funded in whole or in part by federal funds, the provisions of this subsection shall not apply to the extent that such provisions are prohibited by federal law.

Sec. 4. Subparagraph (A) of subdivision (3) of subsection (c) of section 7-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to property acquired on or after said date*):

(3) (A) Take or acquire by gift, purchase, grant, including any grant

from the United States or the state, bequest or devise and hold, condemn, lease, sell, manage, transfer, release and convey such real and personal property or interest therein absolutely or in trust as the purposes of the municipality or any public use or purpose, including that of education, art, ornament, health, charity or amusement, cemeteries, parks or gardens, or the erection or maintenance of statues, monuments, buildings or other structures, **[**or the encouragement of private commercial development,**]** require. Any lease of real or personal property or any interest therein, either as lessee or lessor, may be for such term or any extensions thereof and upon such other terms and conditions as have been approved by the municipality, including without limitation the power to bind itself to appropriate funds as necessary to meet rent and other obligations as provided in any such lease.

Sec. 5. Section 8-125 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007, and applicable to redevelopment plans adopted on or after said date*):

As used in this chapter:

[(a)**]** (1) "Redevelopment" means improvement by the rehabilitation or demolition of structures, by the construction of new structures, improvements or facilities, by the location or relocation of streets, parks and utilities, by replanning or by two or more of these methods;

[(b)**]** (2) "Redevelopment area" means an area within the state **[**which**]** that is deteriorated, deteriorating, substandard or detrimental to the safety, health, morals or welfare of the community. An area may consist partly or wholly of vacant or unimproved land or of land with structures and improvements thereon, and may include structures not in themselves substandard or insanitary which are found to be essential to complete an adequate unit of development, if the redevelopment area is deteriorated, deteriorating, substandard or

detrimental to the safety, health, morals or welfare of the community. An area may include properties not contiguous to each other. An area may include all or part of the territorial limits of any fire district, sewer district, fire and sewer district, lighting district, village, beach or improvement association or any other district or association, wholly within a town and having the power to make appropriations or to levy taxes, whether or not such entity is chartered by the General Assembly;

[(c)**]** (3) A "redevelopment plan" **[**shall include: (1)**]** means a plan that includes: (A) (i) A description of the redevelopment area and the condition, type and use of the structures therein, and (ii) specification of each parcel proposed to be acquired, including parcels to be acquired by eminent domain; **[**(2)**]** (B) the location and extent of the land uses proposed for and within the redevelopment area, such as housing, recreation, business, industry, schools, civic activities, open spaces or other categories of public and private uses; **[**(3)**]** (C) the location and extent of streets and other public utilities, facilities and works within the redevelopment area; **[**(4)**]** (D) schedules showing the number of families displaced by the proposed improvement, the method of temporary relocation of such families and the availability of sufficient suitable living accommodations at prices and rentals within the financial reach of such families and located within a reasonable distance of the area from which **[**they**]** such families are displaced; **[**(5)**]** (E) present and proposed zoning regulations in the redevelopment area; **[**(6)**]** (F) a description of how the redevelopment area is deteriorated, deteriorating, substandard or detrimental to the safety, health, morals or welfare of the community; and (G) any other detail including financial aspects of redevelopment which, in the judgment of the redevelopment agency authorized herein, is necessary to give it adequate information;

[(d)**]** (4) "Planning agency" means the existing city or town plan commission or, if such agency does not exist or is not created, the

legislative body or agency designated by it;

[(e)**]** (5) "Redeveloper" means any individual, group of individuals or corporation or any municipality or other public agency including any housing authority established pursuant to chapter 128;

[(f)**]** (6) "Real property" means land, subterranean or subsurface rights, structures, any and all easements, air rights and franchises and every estate, right or interest therein.

Sec. 6. Section 8-127 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007, and applicable to redevelopment plans adopted on or after said date*):

(a) The redevelopment agency may prepare, or cause to be prepared, a redevelopment plan and any redeveloper may submit a redevelopment plan to the redevelopment agency, and such redevelopment agency shall immediately transmit such plan to the planning agency of the municipality for its study. The planning agency may make a comprehensive or general plan of the entire municipality as a guide in the more detailed and precise planning of redevelopment areas. Such plan and any modifications and extensions **[**thereof**]** of the plan shall show the location of proposed redevelopment areas and the general location and extent of use of land for housing, business, industry, communications and transportation, recreation, public buildings and such other public and private uses as are deemed by the planning agency essential to the purpose of redevelopment. Appropriations by the municipality of any amount necessary are authorized to enable the planning agency to make such comprehensive or general plan. The redevelopment agency shall request the written opinion of the planning agency on all redevelopment plans prior to approving such redevelopment plans. Such written opinion shall include a determination on whether the plan is consistent with the plan of conservation and development of the municipality adopted

under section 8-23.

(b) Before approving any redevelopment plan, the redevelopment agency shall hold a public hearing **[**thereon**]** on the plan, notice of which shall be published at least twice in a newspaper of general circulation in the municipality, the first publication of notice to be not less than two weeks before the date set for the hearing. At least thirty-five days prior to any public hearing, the redevelopment agency shall post the plan on the Internet web site of the redevelopment agency, if any. The redevelopment agency may approve any such redevelopment plan if, following such hearing, it finds that: **[**(a)**]** (1) The area in which the proposed redevelopment is to be located is a redevelopment area; **[**(b)**]** (2) the carrying out of the redevelopment plan will result in materially improving conditions in such area; **[**(c)**]** (3) sufficient living accommodations are available within a reasonable distance of such area or are provided for in the redevelopment plan for families displaced by the proposed improvement, at prices or rentals within the financial reach of such families; **[**and (d)**]** (4) the redevelopment plan is satisfactory as to site planning, relation to the **[**comprehensive or general plan**]** plan of conservation and development of the municipality adopted under section 8-23 and, except when the redevelopment agency has prepared the redevelopment plan, the construction and financial ability of the redeveloper to carry it out; (5) the planning agency has issued a written opinion in accordance with subsection (a) of this section that the redevelopment plan is consistent with the plan of conservation and development of the municipality adopted under section 8-23; and (6) (A) public benefits resulting from the redevelopment plan will outweigh any private benefits; (B) existing use of the real property cannot be feasibly integrated into the overall redevelopment plan for the project; (C) acquisition by eminent domain is reasonably necessary to successfully achieve the objectives of such redevelopment plan; and (D) the redevelopment plan is not for the primary purpose of increasing local tax revenues. No

redevelopment plan for a project **[**which**]** that consists predominantly of residential facilities shall be approved by the redevelopment agency in any municipality having a housing authority organized under the provisions of chapter 128 except with the approval of such housing authority.

(c) (1) The approval of a redevelopment plan **[**may**]** shall be given by the legislative body. **[**or by such agency as it designates to act in its behalf.**]** The plan shall be effective for a period of ten years after the date of approval and may be amended in accordance with this section. The legislative body shall review the plan at least once every ten years after the initial approval, and shall reapprove such plan or an amended plan at least once every ten years after the initial approval in accordance with this section in order for the plan or amended plan to remain in effect. With respect to a redevelopment plan for a project that is funded in whole or in part by federal funds, the provisions of this subdivision shall not apply to the extent that such provisions are prohibited by federal law.

(2) The redevelopment agency shall cause notice of the initial approval of any redevelopment plan to be published in a newspaper having general circulation in the municipality.

Sec. 7. Section 8-128 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to property acquired on or after said date*):

(a) Within a reasonable time after its approval of the redevelopment plan as **[**hereinbefore**]** provided in section 8-127, as amended by this act, the redevelopment agency may proceed with the acquisition or rental of real property by purchase, lease, exchange or gift. The redevelopment agency may acquire real property by eminent domain with the approval of the legislative body of the municipality and in accordance with the provisions of sections 8-129 to 8-133, inclusive, as

amended by this act, and this section, except that a redevelopment agency that acquires real property by eminent domain pursuant to a redevelopment plan under this chapter shall approve the acquisition in accordance with section 2 of this act. The legislative body in its approval of a project **[**under section 8-127**]** shall specify the time within which real property is to be acquired, **[**. The**]** except as provided in sections 8-193 and 32-224, as amended by this act, and such time for acquisition may be extended by the legislative body in accordance with section 48-6, as amended by this act, upon request of the redevelopment agency, provided the owner of the real property consents to such request.

(b) Real property may be acquired **[**previous**]** prior to the adoption or approval of the project area redevelopment plan, provided the property acquired shall be located within an area designated on the general plan as an appropriate redevelopment area or within an area whose boundaries are defined by the planning commission as an appropriate area for a redevelopment project, and provided such acquisition shall be authorized by the legislative body. The redevelopment agency may clear, repair, operate or insure such property while it is in its possession or make site improvements essential to preparation for its use in accordance with the redevelopment plan.

Sec. 8. Section 8-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to property acquired on or after said date*):

(a) (1) The redevelopment agency shall determine the compensation to be paid to the persons entitled thereto for **[**such**]** real property **[**and**]** to be acquired by eminent domain pursuant to section 8-128, as amended by this act.

(2) For any real property to be acquired by eminent domain

pursuant to section 8-128, as amended by this act, or section 8-193, as amended by this act, or by condemnation pursuant to section 32-224, as amended by this act, pursuant to a redevelopment plan approved under this chapter or a development plan approved under chapter 132 or 588*l*, the agency shall have two independent appraisals conducted on the real property in accordance with this subdivision. Each appraisal shall be conducted by a state certified real estate appraiser without consultation with the appraiser conducting the other independent appraisal, and shall be conducted in accordance with generally accepted standards of professional appraisal practice as described in the Uniform Standards of Professional Appraisal Practice issued by the Appraisal Standards Board of the Appraisal Foundation pursuant to Title XI of FIRREA and any regulations adopted pursuant to section 20-504. Each appraiser shall provide a copy of the appraisal to the agency and the property owner. The amount of compensation for such real property shall be equal to the average of the amounts determined by the two independent appraisals, except that the compensation for any real property to be acquired by eminent domain pursuant to section 8-193, as amended by this act, or by condemnation pursuant to section 32-244, as amended by this act, shall be one hundred twenty-five per cent of such average amount. If the agency acquires real property that is subject to this subdivision five years or more after acquiring another parcel of real property within one thousand feet of the property pursuant to a redevelopment plan or development plan, the agency shall increase the amount of compensation for the subsequent acquisition of real property by an additional five per cent for each year from the sixth year until the tenth year after the acquisition of the first parcel of real property. With respect to a redevelopment plan or development plan for a project that is funded in whole or in part by federal funds, the provisions of this subdivision shall not apply to the extent that such provisions are prohibited by federal law.

(3) The redevelopment agency shall file a statement of compensation, containing a description of the property to be taken and the names of all persons having a record interest therein and setting forth the amount of such compensation, and a deposit as provided in section 8-130, with the clerk of the superior court for the judicial district in which the property affected is located.

(b) Upon filing such statement of compensation and deposit, the redevelopment agency shall forthwith cause to be recorded, in the office of the town clerk of each town in which the property is located, a copy of such statement of compensation, such recording to have the same effect and to be treated the same as the recording of a lis pendens, and shall forthwith give notice, as provided in this section, to each person appearing of record as an owner of property affected thereby and to each person appearing of record as a holder of any mortgage, lien, assessment or other encumbrance on such property or interest therein **[**(a)**]** (1) in the case of any such person found to be residing within this state, by causing a copy of such notice, with a copy of such statement of compensation, to be served upon each such person by a state marshal, constable or indifferent person, in the manner set forth in section 52-57 for the service of civil process, and **[**(b)**]** (2) in the case of any such person who is a nonresident of this state at the time of the filing of such statement of compensation and deposit or of any such person whose whereabouts or existence is unknown, by mailing to each such person a copy of such notice and of such statement of compensation, by registered or certified mail, directed to **[**his**]** such person's last-known address, and by publishing such notice and such statement of compensation at least twice in a newspaper published in the judicial district and having daily or weekly circulation in the town in which such property is located. Any such published notice shall state that it is notice to the widow or widower, heirs, representatives and creditors of the person holding such record interest, if such person is dead. If, after a reasonably

diligent search, no last-known address can be found for any interested party, an affidavit stating such fact, and reciting the steps taken to locate such address, shall be filed with the clerk of the superior court and accepted in lieu of mailing to the last-known address.

(c) Not less than **[**twelve**]** thirty-five days or more than ninety days after such notice and such statement of compensation have been so served or so mailed and first published, the redevelopment agency shall file with the clerk of the superior court a return of notice setting forth the notice given and, upon receipt of such return of notice, such clerk shall, without any delay or continuance of any kind, issue a certificate of taking setting forth the fact of such taking, a description of all the property so taken and the names of the owners and of all other persons having a record interest therein. The redevelopment agency shall cause such certificate of taking to be recorded in the office of the town clerk of each town in which such property is located. Upon the recording of such certificate, title to such property in fee simple shall vest in the municipality, and the right to just compensation shall vest in the persons entitled thereto. At any time after such certificate of taking has been so recorded, the redevelopment agency may repair, operate or insure such property and enter upon such property, and take any action that is proposed with regard to such property by the project area redevelopment plan.

(d) The notice **[**referred to above**]** required in subsection (b) of this section shall state that (1) not less than **[**twelve**]** thirty-five days or more than ninety days after service or mailing and first publication thereof, the redevelopment agency shall file, with the clerk of the superior court for the judicial district in which such property is located, a return setting forth the notice given, (2) upon receipt of such return, such clerk shall issue a certificate for recording in the office of the town clerk of each town in which such property is located, (3) upon the recording of such certificate, title to such property shall vest in the

municipality, the right to just compensation shall vest in the persons entitled thereto and the redevelopment agency may repair, operate or insure such property and enter upon such property and take any action that may be proposed with regard thereto by the project area redevelopment plan, and (4) such notice shall bind the widow or widower, heirs, representatives and creditors of each person named **[**therein**]** in the notice who then or thereafter may be dead.

(e) When any redevelopment agency acting on behalf of any municipality has acquired or rented real property by purchase, lease, exchange or gift in accordance with the provisions of this section, or in exercising its right of eminent domain has filed a statement of compensation and deposit with the clerk of the superior court and has caused a certificate of taking to be recorded in the office of the town clerk of each town in which such property is located as provided in this section, any judge of such court may, upon application and proof of such acquisition or rental or such filing and deposit and such recording, order such clerk to issue an execution commanding a state marshal to put such municipality and the redevelopment agency, as its agent, into peaceable possession of the property so acquired, rented or condemned. The provisions of this **[**section**]** subsection shall not be limited in any way by the provisions of chapter 832.

Sec. 9. Section 8-132 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to property acquired on or after said date*):

(a) Any person claiming to be aggrieved by the statement of compensation filed by the redevelopment agency may, at any time within six months after the **[**same**]** statement of compensation has been filed, apply to the superior court for the judicial district in which such property is situated for a review of such statement of compensation so far as **[**the same**]** it affects such applicant. The court, after causing notice of the pendency of such application to be given to the

redevelopment agency, may, with the consent of the parties or their attorneys, appoint a judge trial referee to make a review of the statement of compensation, except that the court shall, upon the motion of either party or their attorneys, refer the application to a judge appointed by the Chief Court Administrator to hear tax appeals pursuant to section 12-39*l*, who shall consider such application in the manner set forth in subsection (c) of this section. For the purposes of such application, review and appeal therefrom, and for the purposes of sections 52-192a to 52-195, inclusive, as amended by this act, such applicant shall be deemed a counterclaim plaintiff.

(b) If the court appoints a judge trial referee, the judge trial referee, after giving at least ten days' notice to the parties interested of the time and place of hearing, shall hear the applicant and the redevelopment agency, shall view the property and take such testimony as the judge trial referee deems material and shall thereupon revise such statement of compensation in such manner as the judge trial referee deems proper and forthwith report to the court. Such report shall contain a detailed statement of findings by the judge trial referee, sufficient to enable the court to determine the considerations upon which the judge trial referee's conclusions are based. The report of the judge trial referee shall take into account any evidence relevant to the fair market value of the property, including evidence of environmental condition and required environmental remediation. The judge trial referee shall make a separate finding for remediation costs and the property owner shall be entitled to a set-off of such costs in any pending or subsequent action to recover remediation costs for the property. The court shall review the report, and may reject it for any irregular or improper conduct in the performance of the duties of the judge trial referee. If the report is rejected, the court may appoint another judge trial referee to make such review and report. If the report is accepted, its statement of compensation shall be conclusive upon such owner and the redevelopment agency.

(c) If the court does not appoint a judge trial referee, the court, after giving at least ten days' notice to the parties interested of the time and place of hearing, shall hear the applicant and the redevelopment agency and take such testimony as **[**it**]** the court deems material, may view the subject property, and shall make a finding regarding the statement of compensation. The findings of the court shall take into account any evidence relevant to the fair market value of the property, including evidence of environmental condition and required environmental remediation. The court shall make a separate finding for remediation costs and the property owner shall be entitled to a set-off of such costs in any pending or subsequent action to recover remediation costs for the property. The findings of the court shall be conclusive upon such owner and the redevelopment agency.

(d) If no appeal to the Appellate Court is filed within the time allowed by law, or if an appeal is filed and the proceedings have terminated in a final judgment finding the amount due the property owner, the clerk shall send a certified copy of the statement of compensation and of the judgment to the redevelopment agency, which shall, upon receipt thereof, pay such property owner the amount due as compensation. The pendency of any such application for review shall not prevent or delay any action that is proposed with regard to such property by the project area redevelopment plan.

Sec. 10. Section 8-189 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007, and applicable to development plans adopted on or after said date*):

(a) The development agency may initiate a development project by preparing a project plan **[**therefor**]** in accordance with regulations **[**of**]** adopted by the commissioner pursuant to section 8-198. The project plan shall meet an identified public need and include: **[**(a)**]** (1) A legal description of the land within the project area; **[**(b)**]** (2) a description of the present condition and uses of such land or building; **[**(c)**]** (3) a

description of the process utilized by the agency to prepare the plan and a description of alternative approaches considered to achieve project objectives; (4) a description of the types and locations of land uses or building uses proposed for the project area; **[**(d)**]** (5) a description of the types and locations of present and proposed streets, sidewalks and sanitary, utility and other facilities and the types and locations of other proposed site improvements; **[**(e)**]** (6) statements of the present and proposed zoning classification and subdivision status of the project area and the areas adjacent to the project area; **[**(f)**]** (7) a plan for relocating project-area occupants; **[**(g)**]** (8) a financing plan; **[**(h)**]** (9) an administrative plan; **[**(i)**]** (10) a marketability and proposed land-use study or building use study if required by the commissioner; **[**(j)**]** (11) appraisal reports and title searches; **[**(k) a statement of**]** (12) a description of the public benefits of the project including, but not limited to, (A) the number of jobs which the development agency anticipates would be created by the project; **[**and**]** (B) the estimated property tax benefits; (C) the number and types of existing housing units in the municipality in which the project would be located, and in contiguous municipalities, which would be available to employees filling such jobs; **[**and (l)**]** (D) a general description of infrastructure improvements, including public access, facilities or use, that the development agency anticipates may be needed to implement the development plan; (E) a general description of the development agency's goals for blight remediation or, if known, environmental remediation; (F) a general description of any aesthetic improvements that the development agency anticipates may be generated by the project; (G) a general description of the project's intended role in increasing or sustaining market value of land in the municipality; (H) a general description of the project's intended role in assisting residents of the municipality to improve their standard of living; and (I) a general statement of the project's role in maintaining or enhancing the competitiveness of the municipality; (13) findings that (A) the land and buildings within the project area will be used principally for industrial

or business purposes; [that] (B) the plan is in accordance with the plan of conservation and development for the municipality adopted by its planning commission under section 8-23, and the plan of development of the regional planning agency adopted under section 8-35a, if any, for the region within which the municipality is located; [that] (C) the plan [is not inimical to any] was prepared giving due consideration to the state plan of conservation and development adopted under chapter 297 and any other state-wide planning program objectives of the state or state agencies as coordinated by the Secretary of the Office of Policy and Management; [that] and (D) the project will contribute to the economic welfare of the municipality and the state; and that to carry out and administer the project, public action under this chapter is required; and (14) a preliminary statement describing the proposed process for acquiring each parcel of real property, including findings that (A) public benefits resulting from the development plan will outweigh any private benefits; (B) existing use of the real property cannot be feasibly integrated into the overall development plan for the project; (C) acquisition by eminent domain is reasonably necessary to successfully achieve the objectives of such development plan; and (D) the development plan is not for the primary purpose of increasing local tax revenues. Any plan [which] that has been prepared by a redevelopment agency under chapter 130 may be submitted by the development agency to the legislative body and to the commissioner for approval in lieu of a plan initiated and prepared in accordance with this section, provided all other requirements of this chapter for obtaining the approval of the commissioner of the project plan are satisfied.

(b) (1) The approval of a development plan shall be given by the legislative body pursuant to section 8-191, as amended by this act.

(2) The plan shall be effective for a period of ten years after the date of approval and may be amended in accordance with this section. The

legislative body shall review the plan at least once every ten years after the initial approval, and shall reapprove the plan or an amended plan at least once every ten years after the initial approval in accordance with this section in order for the plan or amended plan to remain in effect. With respect to a development plan for a project that is funded in whole or in part by federal funds, the provisions of this subdivision shall not apply to the extent that such provisions are prohibited by federal law.

(3) The development agency shall cause notice of the initial approval of the plan to be published in a newspaper having general circulation in the municipality.

Sec. 11. Section 8-191 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007, and applicable to development plans adopted on or after said date*):

(a) Before the development agency adopts a plan for a development project, (1) the planning commission of the municipality shall find that the plan is in accord with the plan of development for the municipality; and (2) the regional planning agency, if any, for the region within which such municipality is located shall find that such plan is in accord with the plan of development for such region, or if such agency fails to make a finding concerning **[**said**]** the plan within thirty-five days of receipt **[**thereof**]** of the plan by such agency, it shall be presumed that such agency does not disapprove of **[**such**]** the plan; and (3) the development agency shall hold at least one public hearing **[**thereon**]** on the plan. At least thirty-five days prior to any public hearing, the development agency shall post the plan on the Internet web site of the development agency, if any. Upon approval by the development agency, the agency shall submit **[**such**]** the plan to the legislative body which shall vote to approve or disapprove the plan. After approval of the plan by the legislative body, the development agency shall submit the plan for approval to the commissioner. Notice

of the time, place and subject of any public hearing held under this section shall be published once in a newspaper of general circulation in **[**such town**]** the municipality, such publication to be made not less than one week nor more than three weeks prior to the date set for the hearing. In the event the commissioner requires a substantial modification of the project plan before giving approval, then upon the completion of such modification such plan shall first have a public hearing and then be approved by the development agency and the legislative body. Any legislative body, agency or commission in approving a plan for a development project shall specifically approve the findings made **[**therein**]** in the plan.

(b) The provisions of subsection (a) of this section with respect to submission of a development project to and approval by the commissioner shall not apply to a project for which no grant has been made under section 8-190 and no application for a grant is to be made under section 8-195.

Sec. 12. Section 8-200 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to property acquired on or after said date*):

(a) A development plan may be modified at any time by the development agency, provided, if modified after the lease or sale of real property in the development project area, the modification must be consented to by the lessees or purchasers of such real property or their successor or successors in interest affected by the proposed modification. Where the proposed modification will substantially change the development plan as previously approved, the modification must be approved in the same manner as the development plan.

(b) If after three years from the date of approval of the development plan the development agency has been unable to transfer by sale or

lease at fair market value or fair rental value, as the case may be, the whole or any part of the real property acquired in the project area to any person in accordance with the project plan, and no grant has been made for such project pursuant to section 8-195, the municipality may, by vote of its legislative body, abandon the project plan and such real property may be conveyed free of any restriction, obligation or procedure imposed by the plan but shall be subject to all other local and state laws, ordinances or regulations, including, but not limited to, any offer of sale required under subsection (c) of section 8-193, as amended by this act.

Sec. 13. Section 8-268 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007, and applicable to property acquired on or after said date*):

(a) Whenever a program or project undertaken by a state agency or under the supervision of a state agency will result in the displacement of any person on or after July 6, 1971, the head of such state agency shall make payment to any displaced person, upon proper application as approved by such agency head, for (1) actual reasonable expenses in moving himself, his family, business, farm operation or other personal property, (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the state agency, and (3) actual reasonable expenses in searching for a replacement business or farm, provided, whenever any tenant in any dwelling unit is displaced as the result of the enforcement of any code to which this section is applicable by any town, city or borough or agency thereof, the landlord of such dwelling unit shall be liable for any payments made by such town, city or borough pursuant to this section or by the state pursuant to subsection (b) of section 8-280, and the town, city or borough or the state may place a lien on any real

property owned by such landlord to secure repayment to the town, city or borough or the state of such payments, which lien shall have the same priority as and shall be filed, enforced and discharged in the same manner as a lien for municipal taxes under chapter 205.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the state agency, not to exceed three hundred dollars and a dislocation allowance of two hundred dollars.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from **[**his**]** the person's place of business or from **[**his**]** the person's farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than two thousand five hundred dollars nor more than ten thousand dollars. In the case of a business no payment shall be made under this subsection unless the state agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the state, which is engaged in the same or similar business. For purposes of this subsection, **[**the term**]** "average annual net earnings" means one half of any net earnings of the business or farm operation, before federal, state and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as such agency determines to be more equitable for

establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, **[**his**]** the owner's spouse or **[**his**]** the owner's dependents during such period.

(d) Notwithstanding the provisions of this section, in the case of displacement of a person on or after the effective date of this section because of acquisition of real property by a redevelopment agency pursuant to section 8-128, as amended by this act, a development agency pursuant to section 8-193, as amended by this act, or an implementing agency pursuant to section 32-224, as amended by this act, pursuant to a redevelopment plan approved under chapter 130 or a development plan approved under chapter 132 or 588*l*, the agency shall make relocation payments as provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any subsequent amendments thereto and regulations promulgated thereunder if payments under said act and regulations would be greater than payments under this section and sections 8-269 and 8-270, as amended by this act.

Sec. 14. Section 8-269 of the general statutes is amended by adding subsection (c) as follows (*Effective October 1, 2007, and applicable to property acquired on or after said date*):

(NEW) (c) Notwithstanding the provisions of this section, in the case of displacement of a person on or after the effective date of this section because of acquisition of real property by a redevelopment agency pursuant to section 8-128, as amended by this act, a development agency pursuant to section 8-193, as amended by this act, or an implementing agency pursuant to section 32-224, as amended by this act, pursuant to a redevelopment plan approved under chapter 130 or a development plan approved under chapter 132 or 588*l*, the agency shall make relocation payments as provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any subsequent amendments

thereto and regulations promulgated thereunder if payments under said act and regulations would be greater than payments under this section and sections 8-268 and 8-270, as amended by this act.

Sec. 15. Section 8-270 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007, and applicable to property acquired on or after said date*):

(a) In addition to amounts otherwise authorized by this chapter, a state agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 8-269, as amended by this act, which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling under the program or project which results in such person being displaced. Such payment shall be either (1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable **[**in**]** with regard to public utilities and public and commercial facilities, and reasonably accessible to **[**his**]** such displaced person's place of employment, but not to exceed four thousand dollars, or (2) the amount necessary to enable such displaced person to make a down payment, including reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable **[**in**]** with regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars, except that if such amount exceeds two thousand dollars, such person must equally match any such amount in excess of two thousand dollars in making the downpayment, and provided, whenever any tenant in any dwelling unit is displaced as the result of the

enforcement of any code to which this section is applicable by any town, city or borough or agency thereof, the landlord of such dwelling unit shall be liable for any payments made by such town, city or borough pursuant to this section or by the state pursuant to subsection (b) of section 8-280, and the town, city or borough or the state may place a lien on any real property owned by such landlord to secure repayment to the town, city or borough or the state of such payments, which lien shall have the same priority as and shall be filed, enforced and discharged in the same manner as a lien for municipal taxes under chapter 205.

(b) Notwithstanding the provisions of this section, in the case of displacement of a person on or after the effective date of this section because of acquisition of real property by a redevelopment agency pursuant to section 8-128, as amended by this act, a development agency pursuant to section 8-193, as amended by this act, or an implementing agency pursuant to section 32-224, as amended by this act, pursuant to a redevelopment plan approved under chapter 130 or a development plan approved under chapter 132 or 588*l*, the agency shall make relocation payments as provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any subsequent amendments thereto and regulations promulgated thereunder if payments under said act and regulations would be greater than payments under this section and sections 8-268 and 8-269, as amended by this act.

Sec. 16. Section 52-192a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to applications filed on or after said date*):

(a) After commencement of any civil action based upon contract or seeking the recovery of money damages, whether or not other relief is sought, the plaintiff may, not earlier than one hundred eighty days after service of process is made upon the defendant in such action but

not later than thirty days before trial, file with the clerk of the court a written offer of compromise signed by the plaintiff or the plaintiff's attorney, directed to the defendant or the defendant's attorney, offering to settle the claim underlying the action for a sum certain. For the purposes of this section, such plaintiff includes a counterclaim plaintiff under section 8-132, as amended by this act. The plaintiff shall give notice of the offer of compromise to the defendant's attorney or, if the defendant is not represented by an attorney, to the defendant himself or herself. Within thirty days after being notified of the filing of the offer of compromise and prior to the rendering of a verdict by the jury or an award by the court, the defendant or the defendant's attorney may file with the clerk of the court a written acceptance of the offer of compromise agreeing to settle the claim underlying the action for the sum certain specified in the plaintiff's offer of compromise. Upon such filing and the receipt by the plaintiff of such sum certain, the plaintiff shall file a withdrawal of the action with the clerk and the clerk shall record the withdrawal of the action against the defendant accordingly. If the offer of compromise is not accepted within thirty days and prior to the rendering of a verdict by the jury or an award by the court, the offer of compromise shall be considered rejected and not subject to acceptance unless refiled. Any such offer of compromise and any acceptance of the offer of compromise shall be included by the clerk in the record of the case.

(b) In the case of any action to recover damages resulting from personal injury or wrongful death, whether in tort or in contract, in which it is alleged that such injury or death resulted from the negligence of a health care provider, an offer of compromise pursuant to subsection (a) of this section shall state with specificity all damages then known to the plaintiff or the plaintiff's attorney upon which the action is based. At least sixty days prior to filing such an offer, the plaintiff or the plaintiff's attorney shall provide the defendant or the defendant's attorney with an authorization to disclose medical records

that meets the privacy provisions of the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended from time to time, or regulations adopted thereunder, and disclose any and all expert witnesses who will testify as to the prevailing professional standard of care. The plaintiff shall file with the court a certification that the plaintiff has provided each defendant or such defendant's attorney with all documentation supporting such damages.

(c) After trial the court shall examine the record to determine whether the plaintiff made an offer of compromise which the defendant failed to accept. If the court ascertains from the record that the plaintiff has recovered an amount equal to or greater than the sum certain specified in the plaintiff's offer of compromise, the court shall add to the amount so recovered eight per cent annual interest on said amount, except in the case of a counterclaim plaintiff under section 8-132, as amended by this act, the court shall add to the amount so recovered eight per cent annual interest on the difference between the amount so recovered and the sum certain specified in the counterclaim plaintiff's offer of compromise. The interest shall be computed from the date the complaint in the civil action or application under section 8-132, as amended by this act, was filed with the court if the offer of compromise was filed not later than eighteen months from the filing of such complaint or application. If such offer was filed later than eighteen months from the date of filing of the complaint or application, the interest shall be computed from the date the offer of compromise was filed. The court may award reasonable attorney's fees in an amount not to exceed three hundred fifty dollars, and shall render judgment accordingly. This section shall not be interpreted to abrogate the contractual rights of any party concerning the recovery of attorney's fees in accordance with the provisions of any written contract between the parties to the action.

Sec. 17. (NEW) (*Effective from passage*) (a) No person who negotiates the acquisition of real property may represent in such negotiation that the person has the power to acquire the property by eminent domain unless the person is an appointed or elected official of a public agency, as defined in section 1-200 of the general statutes, that has such power.

(b) Any violation of subsection (a) of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b of the general statutes.

Sec. 18. Section 8-273a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to property acquired on or after said date*):

(a) Notwithstanding any other provisions of the general statutes to the contrary, whenever the Commissioner of Transportation undertakes the acquisition of real property on a state or federally-funded project which results in any person being displaced from his home, business, or farm, the Commissioner of Transportation is hereby authorized to provide relocation assistance and to make relocation payments to such displaced persons and to do such other acts and follow procedures and practices as may be necessary to comply with or to provide the same relocation assistance and relocation payments as provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any subsequent amendments thereto and regulations promulgated thereunder.

(b) (1) Whenever the Commissioner of Transportation acquires an outdoor advertising structure, the amount of compensation to the owner of the outdoor advertising structure shall include payment for relocation costs incurred by such owner.

(2) If the owner (A) is able to obtain, within one year of acquisition

by the commissioner, all state and local permits necessary for relocation of the outdoor advertising structure to another site in the Standard Metropolitan Statistical Area, as designated in the federal census, in which the outdoor advertising structure is located, and (B) such site was not previously offered for sale or lease to the owner of the outdoor advertising structure, then the commissioner shall pay to the owner the replacement cost of the outdoor advertising structure, plus the fair market value of such outdoor advertising structure less the fair market value of the new site. The fair market value of such site shall be determined by the income capitalization method.

(3) If the owner (A) is unable to obtain, within one year of acquisition by the commissioner, all state and local permits necessary for relocation to another site in the same Standard Metropolitan Statistical Area, as designated in the federal census in which the outdoor advertising structure is located, or (B) such site was previously offered for sale or lease to the owner of the outdoor advertising structure, the commissioner shall pay the replacement cost plus the fair market value of the outdoor advertising structure the commissioner has acquired. The owner shall provide to the commissioner written documentation sufficient to establish that all state and local necessary permits cannot be obtained for relocation within one year of acquisition or that the only available relocation sites have been previously offered for sale or lease to the owner.

(4) Any person aggrieved by determination of the amount of compensation paid under this subsection may appeal to the State Properties Review Board.

Sec. 19. Subsection (f) of section 4b-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to property acquired on or after said date*):

(f) The State Properties Review Board shall review real estate

acquisitions, sales, leases and subleases proposed by the Commissioner of Public Works, the acquisition, other than by condemnation, or the sale or lease of any property by the Commissioner of Transportation under subdivision (12) of section 13b-4, subject to section 4b-23 and subsection (h) of section 13a-73 and review, for approval or disapproval, any contract for a project described in subsection (h) of section 4b-91. Such review shall consider all aspects of the proposed actions, including feasibility and method of acquisition and the prudence of the business method proposed. The board shall also cooperate with and advise and assist the Commissioner of Public Works and the Commissioner of Transportation in carrying out their duties. The board shall have access to all information, files and records, including financial records, of the Commissioner of Public Works and the Commissioner of Transportation, and shall, when necessary, be entitled to the use of personnel employed by said commissioners. The board shall approve or disapprove any acquisition of development rights of agricultural land by the Commissioner of Agriculture under section 22-26cc. The board shall hear any appeal under section 8-273a, as amended by this act, and shall render a final decision on the appeal within thirty days thereafter. The written decision of the board shall be a final decision for the purposes of sections 4-180 and 4-183.

Sec. 20. Section 48-6 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to property acquired on or after said date*):

(a) Any municipal corporation having the right to purchase real property for its municipal purposes which has, in accordance with its charter or the general statutes, voted to purchase the same shall have power to take or acquire such real property, within the corporate limits of such municipal corporation, and if such municipal corporation cannot agree with any owner upon the amount to be paid for any real

property thus taken, it shall proceed in the manner provided by section 48-12 within six months after such vote or such vote shall be void.

(b) In the case of acquisition by a redevelopment agency of real property located in a redevelopment area, except as provided in section 2 of this act and sections 8-193 and 32-224, as amended by this act, the time for acquisition may be extended by the legislative body upon request of the redevelopment agency, provided the owner of the real property consents to such request.

(c) In accordance with the policy established in section 7-603, any municipal corporation may take property which is located within the boundaries of a neighborhood revitalization zone identified in a strategic plan adopted pursuant to sections 7-601 and 7-602. The acquisition of such property shall proceed in the manner provided in sections 8-128 to 8-133, inclusive, as amended by this act, and section 48-12.

Sec. 21. Section 8-191a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

No plan prepared and approved under sections 8-189 and 8-191, as amended by this act, which includes the findings enumerated in **[**subsection (k)**]** subdivisions (12) and (13) of section 8-189, as amended by this act, shall be invalid and deemed ineffective solely because of the commissioner's failure to comply with any provision of sections 22a-1a to 22a-1f, inclusive. All actions taken by the commissioner between February 1, 1975, and June 14, 1977, are validated. Nothing in this section or section 8-191, as amended by this act, 8-193, as amended by this act or 8-196 shall relieve the commissioner from **[**his**]** the commissioner's obligation to comply with sections 22a-1a to 22a-1f, inclusive, subsequent to June 14, 1977.

Sec. 22. Section 48-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

There is established, within the General Fund, an Ombudsman for Property Rights account that shall be a separate nonlapsing account. Any funds received under **[**this**]** section 48-55 shall, upon deposit in the General Fund, be credited to said account and may be used by the Office of Ombudsman for Property Rights in the performance of its duties.

Approved June 25, 2007

EXHIBIT B

Connecticut General Statutes Annotated
Title 8. Zoning, Planning, Housing and Economic and Community Development (Refs & Annos)
Chapter 130. Redevelopment and Urban Renewal. State and Federal Aid. Community Development. Urban Homesteading (Refs & Annos)
Part I. Redevelopment

This section has been updated. Click here for the updated version.

C.G.S.A. § 8-127

§ 8-127. Initiation and approval of redevelopment plan

Effective: [See Text Amendments] to September 30, 2007

The redevelopment agency may prepare, or cause to be prepared, a redevelopment plan and any redeveloper may submit a redevelopment plan to the redevelopment agency, and such agency shall immediately transmit such plan to the planning agency of the municipality for its study. The planning agency may make a comprehensive or general plan of the entire municipality as a guide in the more detailed and precise planning of redevelopment areas. Such plan and any modifications and extensions thereof shall show the location of proposed redevelopment areas and the general location and extent of use of land for housing, business, industry, communications and transportation, recreation, public buildings and such other public and private uses as are deemed by the planning agency essential to the purpose of redevelopment. Appropriations by the municipality of any amount necessary are authorized to enable the planning agency to make such comprehensive or general plan. The redevelopment agency shall request the written opinion of the planning agency on all redevelopment plans prior to approving such redevelopment plans. Before approving any redevelopment plan, the redevelopment agency shall hold a public hearing thereon, notice of which shall be published at least twice in a newspaper of general circulation in the municipality, the first publication of notice to be not less than two weeks before the date set for the hearing. The redevelopment agency may approve any such redevelopment plan if, following such hearing, it finds that: (a) The area in which the proposed redevelopment is to be located is a redevelopment area; (b) the carrying out of the redevelopment plan will result in materially improving conditions in such area; (c) sufficient living accommodations are available within a reasonable distance of such area or are provided for in the redevelopment plan for families displaced by the proposed improvement, at prices or rentals within the financial reach of such families; and (d) the redevelopment plan is satisfactory as to site planning, relation to the comprehensive or general plan of the municipality and, except when the redevelopment agency has prepared the redevelopment plan, the construction and financial ability of the redeveloper to carry it out. No redevelopment plan for a project which consists predominantly of residential facilities shall be approved by the redevelopment agency in any municipality having a housing authority organized under the provisions of chapter 128 [1] except with the approval of such housing authority. The approval of a redevelopment plan may be given by the legislative body or by such agency as it designates to act in its behalf.

Credits

(1949 Rev., § 981; 1951, Supp. § 248b; 1953, Supp. § 385c; 1955, Supp. § 485d; 1957, P.A. 13, § 53.)

Footnotes

1 C.G.S.A. § 8-38 et seq.

C. G. S. A. § 8-127, CT ST § 8-127

The statutes and Constitution are current through General Statutes of Connecticut, Revision of 1958, Revised to January 1, 2019.